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Nonconforming Regulation Proposed Definitions For May 6, 2003 Advisory Committee Meeting

Suggested Definitions to Implement Guiding Principles

Structure means:

- Option 1: Any man-made object with form, shape and utility, either permanently or temporarily attached to or placed upon the ground, river bed, stream bed or lakebed. [NR116.03(45)]
- Option 2: Any man-made object with form, shape and independent utility that is constructed or otherwise erected or attached to or permanently placed upon the ground above the ordinary high water mark. For the purposes of this chapter, the term “structure” does not include: vegetation including landscaping and gardens; earthwork including grading, filling, berms, terraces and retaining walls; stormwater management devices; and erosion control devices. [Kent proposal]
- Option 3: Any created form that alters or impedes flow and direction of ground and surface water in an area defined as a local watershed. [LaBine proposal]

Structural Components means:

- Option 1: Supporting elements of a structure such as wall studs, columns, rafters, joists, beams, concrete blocks, poured concrete, etc., regardless of their cost. [Mitchell proposal]
- Option 2: Supporting elements of a structure other than the foundation, if any. Supporting elements includes, but is not limited to, wall studs, rafters, joists, posts, columns, beams, and girders. [DNR staff proposal]

Replacement means:

- Option 1: The removal and replacement within the existing footprint of all elements of a structure. [Deschane proposal]
- Option 2: The removal and replacement within the existing footprint, or elsewhere on the property, of all components of a structure other than the foundation (which may or may not also be replaced). [DNR staff proposal]
- Option 3: Removal of the entire building constructed or erected upon the ground. [Mitchell proposal]

Major Reconstruction means:

- Option 1: Reconstruction or replacement of 25% or more of the structural components of a building. [based on Bayfield County ordinance and comments from several advisory committee members]
- Option 2: Replacement of 30% or more of the structural components of the outside walls and roof, or of the basement of the structure. [Mitchell proposal]
- Option 3: Any improvement, repair, or modification that is in excess of 50% of the structure's assessed value at the time the improvements, repairs or modifications begin. [Pielsticker proposal]
- Option 4: The removal and replacement within the existing footprint of all components of a

structure with the exception of the foundation. [Larson proposal]

Ordinary Maintenance and Repair means:

- Option 1: Work that is necessary to maintain or restore a building for its existing use, including the reconstruction or replacement of deteriorated structural components as long as the work does not constitute "major reconstruction." Ordinary maintenance and repair includes such things as painting and staining; repair or replacement of siding, windows, sky lights, doors, vents, insulation, shutters, gutters, flooring, shingles and other roofing materials; replacement or upgrading of plumbing, heating or electrical components, and other internal improvements within the building envelope that don't involve alteration or replacement of structural components. [DNR staff proposal]
- Option 2: Physical activities, including but not limited to painting, caulking and structure element replacement, undertaken to protect and preserve a structure. [Deschane proposal]
- Option 3: Actions necessary to continue or restore the safe use of a structure which has been damaged or has deteriorated through the natural aging and wear and which does not result in major reconstruction, replacement or a significant increase in value. Such actions may include, but are not limited to painting and staining, repair of exterior windows, sky lights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, roofing materials, the repair of walls, or the foundation, and internal improvements within the structural envelope without doing a structural alteration. [based on Bayfield County Ordinance definition]
- Option 4: Anything less than major reconstruction. [Mitchell proposal]

Mitigation means:

- Option 1: Actions taken to minimize the adverse impact of development within the primary or secondary buffer areas or on nonconforming lots. [DNR staff proposal]
- Option 2: Actions that include, but are not limited to the restoration or preservation of buffers, removal of accessory structures, installation of infiltration practices, using visually inconspicuous building materials, removal of riprap, retaining walls, and sand beaches, and other practices designed to preserve and enhance water quality, wildlife habitat, and natural scenic beauty. [based on Washington County Ordinance definition]
- Option 3: Practices that are designed, implemented and maintained with the objective to compensate for adverse environmental effects when development is permitted to occur within designated OHWM setback areas and on nonconforming lots. [based on Bayfield County Ordinance definition]

Permit means:

- Option 1: An administrative permit (i.e., a building permit, zoning permit, etc.) that is required by a county zoning ordinance as a means for county zoning officials to review proposed building plans. [DNR staff proposal]
- Option 2: A document issued by a county authorizing construction activities under a local uniform dwelling code or zoning ordinance. [Deschane proposal]
- Option 3: A document that authorizes starting a construction, repair or maintenance project issues after by the appropriate county authority. [Mitchell proposal]

Habitable Living Area means:

- Option 1: The floor area of those portions of a building that can be used for human habitation, regardless of whether or not the area is actually used for human habitation at a particular time. The term "habitable living area" does not including garages, but it may include basement areas that are suitable for use as living space. [DNR staff proposal]

Footprint means:

- Option 1: That portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane. [Bayfield County Ordinance definition]